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 UNITED STATES DEPARTMENT OF COMMERCE
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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. |
|-----------------|-------------|----------------------|---------------------|
|-----------------|-------------|----------------------|---------------------|

09/875,916 10/31/97 VINZ

P VINZ-2

001444 1022/1228
 BROWDY AND NEIMARK, P.L.L.C.
 624 NINTH STREET, NW
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 WASHINGTON DC 20001-5203

OWNER

KALAFUT, S

ARTIST

PAPER NUMBER

1745

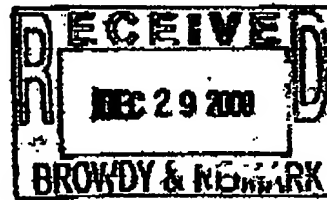
DATE MAILED

12/28/00

DC → RA
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Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks



DOCKETED

Final - abme2001

Office Action Summary

| | |
|------------------------------|------------------------|
| Application No. 81875-916 | Applicant(s) VINZ |
| Examiner KALAFUT | Group/Art Unit 1745 |

—The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address—

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Status

☒ Responsive to communication(s) filed on 10/5/00

☒ This action is FINAL.

Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- ☒ Claim(s) 10-14, 17-22, 25-29 is/are pending in the application.
- Of the above claim(s) _____ is/are withdrawn from consideration.
- ☐ Claim(s) _____ is/are allowed.
- ☒ Claim(s) 10-14, 17-22, 25-29 is/are rejected.
- ☐ Claim(s) _____ is/are objected to.
- ☐ Claim(s) _____ are subject to restriction or election requirement.

Application Papers

- ☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- ☒ The proposed drawing correction, filed on 10/5/00 is ☒ approved ☐ disapproved.
- ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119 (a)-(d)

- ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- ☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been received.
- ☐ received in Application No. (Series Code/Serial Number) _____
- ☐ received in this national stage application from the International Bureau (PCT Rule 1.7.2(a)).

*Certified copies not received: _____

Attachment(s)

- ☐ Information Disclosure Statement(s), PTO-1449, Paper No(s) _____
- ☐ Notice of Reference(s) Cited, PTO-892
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Interview Summary, PTO-413
- ☐ Notice of Informal Patent Application, PTO-152
- ☐ Other _____

Office Action Summary

Art Unit: 1745

1. Claims 10-14, 17-22 and 25-29 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The terms “high vapor partial pressure” and “low vapor partial pressure”, in claim 17, are of indefinite scope. The terms now also appear in new claim 25. The term “constant-remaining vapor depletion” in claim 13 is confusing, because a constant value can neither increase nor decrease. The term “quasi electrostatic voltage difference” is unclear. The claims are not in normal process form, with the verbs being active (“-ing”). All of these reasons were noted in the previous office action, concerning former claims 9-24.

2. The disclosure is objected to because of the following informalities: Numeral 28.1, in figure 2, is not found in the specification, as noted in the previous office action. Appropriate correction is required. Applicant’s proposed correction of figures 1 and 2 are acceptable.

3. Applicant’s arguments filed 10/5/00 have been fully considered but they are not persuasive.

Applicant argues that the claims have been amended to overcome the previous rejections under §112. While some of the previous informalities have been corrected, those noted above remain. Applicant argues that the term “quasi electrostatic voltage difference” is similar to an actual electrostatic voltage difference, although is strictly speaking, not the same thing. This is not persuasive because even if this definition is taken at face value, the term “similar” would be relative and not precisely define the scope of the term. How close to a real electrostatic voltage difference must something be, while not actually being real, must a phenomenon be, in order to meet the terms “quasi” or “similar”?

Art Unit: 1745

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to examiner Steve Kalafut whose telephone number is (703) 308-0433. The Technology Center receptionist may be reached at (703) 308-0661.

sjk

December 17, 2000

STEPHEN KALAFUT
PRIMARY EXAMINER
GROUP

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[Handwritten signature]

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Art Unit: 1745

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(4)

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sjk

December 17, 2000

STEPHEN KALAFUT
PRIMARY EXAMINER
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12/17/00